

2015-1439

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United States Court of Appeals for the Federal Circuit

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WAGON TRAIL VENTURES, INC.,

*Appellant,*

v.

MOORE ROD & PIPE, LLC,

*Appellee.*

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*Appeal from the United States Patent and Trademark Office  
Patent Trial and Appeal Board in No. IPR2013-00418*

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**APPELLEE MOORE ROD & PIPE, LLC'S UNOPPOSED FIFTH  
MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE BRIEF**

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August 27, 2015

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Moore Rod & Pipe, LLC*

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**APPELLEE MOORE ROD & PIPE, LLC'S UNOPPOSED FIFTH  
MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE BRIEF**

Pursuant to Fed. Cir. R. 26(b), Appellee Moore Rod & Pipe, LLC ("Moore") respectfully moves this Court for an extension of time to file its Responsive Brief. Specifically, Moore seeks a fourteen-day extension of time to file its Responsive Brief, up to and including September 17, 2015.

Moore's Responsive Brief is presently due to be filed on September 3, 2015. This is Moore's fifth extension request in this appeal.

Counsel for Appellant Wagon Trail Ventures, Inc. ("Wagon Trail") has been contacted and notified concerning the requested extension, and although Wagon Trail has not yet responded specifically, Moore understands that Wagon Trail would not oppose this motion.

The requested 14-day extension is necessary as the parties continue to further negotiate in light of the recent decision of the district court in *Western Falcon, Inc. and Wagon Trail Ventures, Inc. v. Moore Rod & Pipe, LLC and Moore Pipe Inc.*, No. 4:13-cv-02963, in the United States District Court for the Southern District of Texas. Among other issues, that case involves infringement claims over the same patent at issue in the IPR that is the subject of appellant's appeal here. In a decision dated June 18, 2015 the district court granted plaintiffs' motion to dismiss the claims and counterclaims.

These circumstances establish good cause necessary for Moore's motion.

This motion is not being sought for delay or an improper purpose.

### **CONCLUSION AND STATEMENT OF RELIEF SOUGHT**

For the above reasons, Moore respectfully requests that this motion be granted and that Court extend the time to file Moore's Responsive Brief, such that Moore's Responsive Brief would be due September 17, 2015.

Dated: August 27, 2015

Respectfully submitted,

/s/ George E. Quillin

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Form 9

**FORM 9. Certificate of Interest****UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**Wagon Trail Ventures, Inc. v. Moore Rod & Pipe, LLCNo. 15-1439**CERTIFICATE OF INTEREST**

Counsel for the (appellee)

Moore Rod & Pipe, LLC certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

Moore Rod & Pipe, LLC

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

Moore Rod & Pipe, LLC

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

None4. ☒ The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:George E. Quillin, Gerald F. Swiss, Paul S. Hunter and Matthew A. Ambros of Foley & Lardner LLP. Debra D. Nye previously appeared for Appellee and is formerly of Foley & Lardner LLP.August 27, 2015

Date

/s/ George E. Quillin

Signature of counsel

George E. Quillin

Printed name of counsel

Please Note: All questions must be answered

cc: Counsel of Record

FORM 30. Certificate of Service

UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

CERTIFICATE OF SERVICE

I certify that I served a copy on counsel of record on  
by:

Aug 27, 2015

- ☐ US mail  
☐ Fax  
☐ Hand  
☒ Electronic Means  
(by email or CM/ECF)

Matthew A. Ambros

Name of Counsel

/s/ Matthew A. Ambros

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NOTE: For attorneys filing documents electronically, the name of the filer under whose log-in and password a document is submitted must be preceded by an “/s/” and typed in the space where the signature would otherwise appear. Graphic and other electronic signatures are discouraged.